

SUPPLEMENTAL

COUNCIL AGENDA: 06-28-05

ITEM: 2.35

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Katy Allen
Sara L. Hensley

SUBJECT: SEE BELOW

DATE: 06-21-05

Approved

Date

6/23/05

Council District: 3

SNI: Five Wounds/

Brookwood Terrace

**SUBJECT: REPORT ON BIDS AND AWARD OF CONTRACT FOR THE
ROOSEVELT PARK ROLLER RINK RELOCATION PROJECT.**

REASON FOR SUPPLEMENTAL MEMO

To provide additional information after bids were opened.

RECOMMENDATION

- a) Report on bids and award of contract for the Roosevelt Park Roller Rink Relocation Project to the low bidder, Robert A. Bothman, Inc., for the base bid and Add Alternate No. 4 in the amount of \$421,940, and approval of a contingency in the amount of \$40,000.
- b) Adoption of a resolution approving the Roosevelt Park Roller Rink Relocation Project and incorporating environmental mitigation measures set forth in the Mitigation Monitoring and Reporting Program for the project.

CEQA: Mitigated Negative Declaration, PP03-12-397.

BACKGROUND

Roosevelt Park is a 10-acre park located in central San José near the intersection of Santa Clara and 20th Streets. The park is bordered by Coyote Creek to the west, Santa Clara Street to the south, 20th and 21st Streets to the east and San José Academy to the north (map attached). The major portion of the park was developed in the 1970's and included a community center, playgrounds, baseball fields, basketball and handball courts, and other site amenities.

The existing roller rink was built in 1994 within the campus of San José Academy through a lease agreement with the San José Unified School District (SJUSD). The term of the lease agreement is for 20 years; however, the lease agreement reserves the right for the SJUSD to demolish the hockey rink upon written notification to the City. SJUSD is currently implementing its master plan for the San Jose Academy campus to consolidate all the school's athletic fields into one location, north of the Roosevelt Park. SJUSD has recently notified the City that they would use the rink site for a girls' softball field.

In December 2003, and subsequent to the building of the rink, Council approved the Roosevelt Park Master Plan Amendment (Amendment). The Amendment included the relocation of the rink to its new location within Roosevelt Park. The Amendment also included an understanding between the City and SJUSD for joint use of the sports facilities both at the Roosevelt Park and San José Academy.

In June 2004, the City submitted a \$500,000 application to the 2002 Resources Bond Act (Proposition 40) California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for the Roosevelt Park Roller Rink Relocation Project. On July 8, 2004, the City received notification from the State that the project funding was approved. All remaining costs associated with this project are provided from the Council District 3 Construction and Conveyance Tax Fund. Because the \$500,000 Proposition 40 grant funds can be availed through reimbursement only, City funds are being advanced to award the construction contract and implement the project as scheduled. The City funds will be replenished immediately after the grant funding is received at the completion of the project.

The term of Prop 40 spending allowed under this project approval is July 1, 2003 through June 30, 2011. All funds not requested or expended by the end of the grant performance period will revert to the State. No matching funds are required under the Per Capita Grant Program. However, the City is committed by contract to hold adequate land tenure and public recreation operation of the property for at least 20 years. The City must also: 1) use the property only for the purpose for which the grant was made and to make no other use or sale or disposition of the property, except as authorized by a specific act of the legislature, and 2) maintain and operate the property for a period that is commensurate with the type of Project and the proportion of State funds or property allocated to the capital costs of the project.

The City will build the new roller rink in an open turf area east of the community center. Completion of construction is scheduled in November 2005. The base bid scope of work includes grading and drainage, a new concrete slab, chain link security fencing, and other rink amenities.

In addition to the base bid scope of work, there are four Add Alternate bid items as follows:

<u>Description</u>	<u>Engineer's Estimate</u>
Add Alternate No. 1: Install Dasher Boards, Gates, Benches	\$45,000
Add Alternate No. 2: Concrete Service Area	\$47,000
Add Alternate No. 3: Irrigation & Planting	\$16,000
Add Alternate No. 4: Flat Slab with Edge Foundation	\$35,000

Construction of the roller rink improvements is to begin in August with completion in November 2005.

All professional and technical services for this project are being performed by the Department of Public Works Staff and include design and preparation of construction documents, construction management and inspection of the work.

ANALYSIS

Bids were opened on June 9, 2005 with the following results:

<u>Contractor</u>	<u>Bid Amount</u>	<u>Add Alt. No. 4</u>	<u>Total Bid</u>	<u>Variance Amount</u>	<u>Over/ (Under) Percent</u>
MKM General Eng. Contr. (Santa Clara)	\$554,500	\$29,700	\$584,200	\$139,200	31
ESR Construction, Inc. (San José)	525,067	23,000	548,067	103,067	23
Golden Bay Construction, Inc. (San Carlos)	429,024	32,985	462,009	17,009	4
Engineer's Estimate	410,000	35,000	445,000	--	
Robert A. Bothman, Inc. (San José)	407,940	14,000	421,940	(23,060)	(5)

<u>Contractor</u>	<u>Add Alt No. 1</u>	<u>Add Alt No. 2</u>	<u>Add Alt No. 3</u>	<u>Add Alt No. 4</u>
MKM General Eng. Contr.	\$40,180	\$41,070	\$9,000	\$29,700
ESR Construction, Inc.	45,000	56,000	22,000	23,000
Golden Bay Construction, Inc.	18,190	33,040	6,023	32,985
Engineer's Estimate	45,000	47,000	16,000	35,000
Robert A. Bothman, Inc.	55,000	42,000	21,000	14,000

The low base bid submitted by Robert A. Bothman, Inc., is one percent under the Engineer's Estimate. The bid is considered to be acceptable for the work involved in the project.

After consultation with the office of Council District 3, staff is recommending that the base bid and Add Alternate No. 4 be awarded to the low bidder. The bid amount for Add Alternate 4 is \$21,000 (approximately 60 percent) under the Engineer's Estimate. The value of the additional improvements to the facility is deemed sufficient to recommend inclusion. The existing funds have been determined to be sufficient to provide for the costs of Add Alternate No. 4. It was determined that although Add Alternate Nos. 1, 2 and 3 would enhance the project, they were not essential for its completion and therefore are not recommended for award.

Council policy provides for a standard contingency of five percent on public works parks projects. However, on this project, a contingency of ten percent is recommended due to the unknown condition of removed and stored items from the existing rink and unknown existing conditions of the new site due to the lack of record drawings. The funds budgeted for this project are sufficient to provide for the recommended contingency.

OUTCOME

Approval of this construction contract to Robert A. Bothman, Inc. will enable the Roosevelt Park Roller Rink Relocation Project to be implemented with scheduled completion in November 2005. Approval of the ten percent contingency will provide funding for unforeseen conditions during construction of this project.

PUBLIC OUTREACH

To solicit contractors, this project was listed on the City's Internet Bid Line and advertised in the *San José Post Record*. Bid packages for all Department of Public Works construction projects are provided to various contractor organizations and builder's exchanges.

COORDINATION

This project and memorandum have been coordinated with the City Attorney's Office, City Manager's Budget Office, and the Departments of Planning, Building and Code Enforcement and General Services.

COST IMPLICATIONS

1. AMOUNT OF RECOMMENDATION: \$421,940

2. COST OF PROJECT:

Project Delivery	\$140,060 *
Construction	421,940
Contingency	<u>40,000</u>
TOTAL PROJECT COSTS	\$602,000
Estimated Prior Year Expenditures/Encumbrances	60,000
REMAINING PROJECT BUDGET	\$542,000

- * A total of \$60,000 is estimated to be expended or encumbered in 2004-2005 for project delivery costs. Project delivery includes \$9,000 for survey, \$67,060 for Design Services and \$64,000 for Construction Management and Inspection Services.

3. SOURCE OF FUNDING: 380 – Construction and Conveyance Tax Fund,
Council District 3

4. FISCAL IMPACT: This project is consistent with the Council-approved Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy. The proposed operating and maintenance costs of this project have been reviewed and will have no significant impact on the General Fund operating budget.

BUDGET REFERENCE

Fund #	Appn #	Appn. Name	RC #	Total Appn.*	Amt. for Contract	2005-2006 Proposed Budget	Last Budget Action (Date, Ord. No.)
Remaining Project Costs				\$542,000			
Current Funding Available							
380	6741	Roosevelt Hockey Rink Renovation	136545	\$542,000	\$421,940	Page V - 498	
		Total Current Funding Available		\$542,000	\$421,940		

- * This contract will be funded by the 2005-2006 Capital Budget. The 2005-2006 Capital Budget and the implementing appropriation ordinance are expected to be approved by the City Council on June 21, 2005.

CEQA

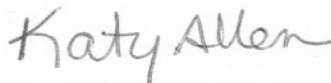
All projects approved under the Per Capita Grant Program must have California Environmental Quality Act (CEQA) clearance. Projects funded under the Per Capita Grant Program are required to submit a written request to change the scope of any project already approved by The Resources Agency. The Resources Agency must approve the changes.

Planning has issued a mitigated negative declaration for the Roosevelt Park Master Plan Amendment. This project is a component of the master plan amendment. The mitigated negative declaration identifies a number of mitigations that need to be implemented in order to address environmental impacts. These mitigation measures and their manner of implementation are identified in the Mitigation Monitoring and Reporting Program (MMRP) for the master plan amendment. The mitigations that are required for this project have been incorporated into the project design and the construction documents. As part of today's action, staff is requesting Council to approve these mitigations and their manner of implementation, as set forth in the Mitigation Monitoring and Reporting Program, and direct the implementation of these mitigations as part of the project.

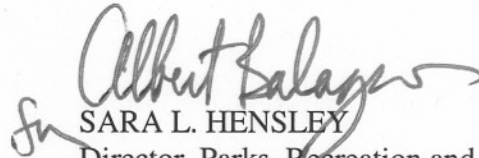
Mitigation measures that are required as part of this project include the following:

- Trees – If the design of the project requires the removal of any trees, they shall be replaced as outlined in the MMRP.
- Short Term Air and Water Quality – During construction of the project, the contractor shall implement Best Management Practices (BMP) in compliance with the requirements of the City specifications and the Bay Area Air Quality Management District guidelines.
- Cultural Resources – During demolition and excavation activities, the contractor shall adhere to the requirements as outlined in the project specifications for archaeological requirements.

Mitigated Negative Declaration, PP03-12-397.



KATY ALLEN
Director, Public Works Department



SARA L. HENSLEY
Director, Parks, Recreation and
Neighborhood Services Department



ROOSEVELT PARK
LOCATION MAP
NO SCALE